



FINAL DETERMINATION

DATE ISSUED AND MAILED: September 21, 2026

IN RE: *Christopher Covert v. Lebanon City*, OOR Dkt. AP 2026-3465

Upon review of the appeal filed with the Office of Open Records (“OOR”) to the above-referenced docket number, as well as the parties’ submissions, the appeal is **DENIED** because:

The records are exempt from disclosure. Section 708(b)(17) of the Right-to-Know Law exempts from disclosure “a record of an agency relating to a noncriminal investigation, including ... [i]nvestigative materials, notes, correspondence and reports...” 65 P.S. § 67.708(b)(17)(ii). Here, the Request seeks records related to a fire that occurred at a specified location on December 24, 2025. On September 3 and September 9, 2026, Lebanon City (“City”) submitted attestations made subject to the penalties of unsworn falsification to authorities, 18 Pa.C.S. § 4904, authored by Aaron Sweitzer (“Sweitzer Attestation” and “Sweitzer Second Attestation”), the City’s Fire Chief, who attests that the City’s Fire Department is legislatively authorized to investigate fires that occur within the City, as was performed relating to the fire that occurred on December 24, 2025. *See* Sweitzer Attestation ¶¶ 6-9; *see also* Sweitzer Second Attestation ¶¶ 3-12. Based upon this evidence, the City has demonstrated that the responsive records are exempt from disclosure.¹ Therefore, the City has met its burden of proof. 65 P.S. § 67.708(a)(1).²

For this reason, the City is not required to take any further action. Within thirty days of the mailing date of this Final Determination, either party may appeal or petition for review with the Lebanon County Court of Common Pleas. 65 P.S. § 67.1302(a). All parties must be served with notice of the appeal. The OOR also shall be served notice and have an opportunity to respond according to court rules as per 65 P.S. § 67.1303, but as the quasi-judicial tribunal adjudicating this matter, the OOR is not a proper party to any appeal and should not be named as a party.³ All documents or communications following the issuance of this Final Determination shall be sent to oorpostfd@pa.gov. This Final Determination shall be placed on the website at: <http://openrecords.pa.gov>.

Issued by:

/s/ Bandy L. Jarosz

BANDY L. JAROSZ, ESQ., APPEALS OFFICER

¹ Because the City has demonstrated that the responsive records are exempt noncriminal investigative materials, the OOR need not reach the City’s alternative grounds for denying access. *See Jamison v. Norristown Bor. Police Dept.*, OOR Dkt. AP 2011-1233, 2011 PA O.O.R.D. LEXIS 927.

² The OOR has previously held that records related to a fire investigation are exempt noncriminal investigative materials. *See Balch v. City of Allentown*, OOR Dkt. AP 2020-0546, 2020 PA O.O.R.D. LEXIS 2166. Further, the Request plainly seeks investigative materials. *See Pa. Game Comm’n v. Fennell*, 148 A.3d 101 (Pa. Commw. Ct. 2016) (explaining that the OOR must consider uncontradicted statements contained in the appeal as evidence).

³ *Padgett v. Pa. State Police*, 73 A.3d 644, 648 n.5 (Pa. Commw. Ct. 2013).

Sent via portal only to: Christopher Covert; Andrew Francos, Esq.; Cheryl J. Gibson